



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission  
Through: Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources  
From: Steven Biel, Sr. Planner *SB*  
Date: November 19, 2008  
Subject: *Request for a variance by Pablo & Marienela Garcia for property located on the northeast corner of the US 1 and Hibiscus Drive intersection, Key Largo, Real Estate No. 00523760.000000*

**Meeting: December 2, 2008**

#### I REQUEST:

The subject property is located in a Sub Urban Commercial (SC) Land Use District. The property is a corner lot and the applicant is requesting a variance of nine (9) feet, six (6) inches from the required twenty-five (25)-foot front yard setback along the US 1 right-of-way and twenty-one (21) feet, six (6) inches from the required twenty-five (25)-foot front yard setback along Hibiscus Drive. As a result, the front yard setbacks would be fifteen (15) feet, six (6) inches along the US 1 right-of-way and three (3) feet, six (6) inches along Hibiscus Drive.



Subject Property, Overseas Highway, Key Largo (2004)

1 The granting of this variance would provide the applicant with more buildable land area  
2 to better facilitate the arrangement of a proposed two-story building with 1,495 ft<sup>2</sup> of  
3 office floor area on the first floor and two (2) employee housing units on the second  
4 story. In addition, the site plan includes six (6) parking spaces and a loading zone.  
5

6 Location:

7 Address: Northeast corner of the US 1 and Hibiscus Drive intersection, Key  
8 Largo, MM 100.6 (bayside)  
9 Legal Description: Block 3, Lot 8, Amended Plat of Key Largo Park (PB3-62),  
10 Key Largo, Florida  
11 Real Estate Number: 00523760.000000

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12  
13 Applicant:

14 Owner: Pablo and Marienela Garcia  
15

16 II RELEVANT PRIOR COUNTY ACTIONS:  
17

18 Staff found no relevant prior county actions.  
19

20 III BACKGROUND INFORMATION:  
21

- 22 A. Size of Site: 6,500 ft<sup>2</sup> (0.149 acres)  
23 B. Land Use District: Sub Urban Commercial (SC)  
24 C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)  
25 D. Tier Designation: Tier 3  
26 E. Flood Zone: Zone X  
27 F. Existing Use: Vacant  
28 G. Existing Vegetation / Habitat: Hammock  
29 H. Community Character of Immediate Vicinity: Mixed of residential and commercial  
30

31 IV REVIEW OF APPLICATION:  
32

33 As set forth in MCC §9.5-281, the required non-shoreline setbacks for the SC District are  
34 as follows: Front yard – 25 feet; Rear yard – 10 feet; and Side yard – 10 / 15 feet (where 10  
35 feet is the required side yard for one side and 15 feet is the minimum combined total of  
36 both side yards).  
37

38 The subject property is a corner lot on the northeast corner of the US 1 and Hibiscus Drive  
39 on Key Largo. The property is bordered to the southeast by a 100-foot right-of-way along  
40 US 1, a vacant lot to the northeast, a residential lot to the northwest, and a commercial use  
41 across Hibiscus Drive to the southwest. Currently, there are no structures on the subject  
42 property.  
43

44 The property has required front yard non-shoreline setbacks of 25 feet along the two rights-  
45 of-way along US 1 and Hibiscus Drive, a required rear yard non-shoreline setback of 10

1 feet along the northwestern property line, and a sideyard non-shoreline setback of 5 feet  
2 along the northeastern property line.  
3

4 The applicant is requesting a variance from the Planning Commission of 9 feet, 6 inches  
5 from the required 25-foot front yard setback along the US 1 right-of-way and 21 feet, 6  
6 inches from the required 25-foot front yard setback along Hibiscus Drive. As a result, the  
7 front yard setbacks would be 15 feet, 6 inches along the US 1 right-of-way and three (3)  
8 feet, six (6) inches along Hibiscus Drive.  
9

10 The granting of this variance would provide the applicant with more buildable land area to  
11 better facilitate the arrangement of the 1,495 ft<sup>2</sup> office floor area on the first floor and two  
12 employee housing units on the second story.  
13

14 A site plan prepared by Pablo R. Garcia, P.E. and dated April 24, 2007 was submitted by  
15 the applicant indicating a portion of the proposed office building would be located within  
16 the front yard setback along the US 1 right-of-way. In addition, the proposed off-street  
17 parking spaces would be located within the required front yard setback along Hibiscus  
18 Drive.  
19

20 *Pursuant to MCC §9.5-524, the Planning Commission may grant a variance if the*  
21 *applicant demonstrates that all of the following standards are met:*  
22

23 A. *The applicant demonstrates a showing of good and sufficient cause;*  
24

25 The applicant contends that the site presents a difficult design problem because of the two  
26 (2) street frontages. Furthermore, the applicant believes the variance would be  
27 compatible to other existing development in the area. Finally, the applicant states that the  
28 variance would not affect the required bufferyards.  
29

30 Staff has determined that a variance to the required non-shoreline front yard setbacks  
31 along US 1 and Park Drive would be necessary in order for the applicant to construct the  
32 proposed 1,495 ft<sup>2</sup> office building, employee housing units, parking, and open space.  
33 Therefore, staff has found that the applicant has demonstrated a showing of good and  
34 sufficient cause.  
35

36 B. *Failure to grant the variance would result in exceptional hardship to the applicant;*  
37

38 The applicant contends that the proposed 32' x 46' (approximately 1,472 ft<sup>2</sup>) building  
39 footprint would be the minimum necessary in order to construct the employee housing  
40 units above the office space.  
41

42 Staff believes the proposed development would be consistent with the surrounding  
43 neighborhood of single-family dwellings and commercial uses. The variance request is  
44 primarily to allow the parking to be within the front yard setback. Many other  
45 commercial properties along US 1 have parking in the front yard setback.  
46

1 The applicant has considered all options pertaining to the placement of the proposed  
2 building and has determined the proposed location would better preserve the existing  
3 hammock that covers the lot. Furthermore, the County encourages the development of  
4 employee housing which the applicant contends would not be built if the variance is not  
5 granted. Therefore, staff has found that failure to grant the variance would result in  
6 exceptional hardship to the applicant.  
7

- 8 C. *Granting the variance will not result in increased public expenses, create a threat to*  
9 *public health and safety, create a public nuisance, or cause fraud or victimization of the*  
10 *public;*  
11

12 The applicant asserts that the County would benefit from the proposed two employee  
13 housing units.  
14

15 Staff has found that granting the variance would not result in increased public expenses,  
16 create a threat to public health and safety, create a public nuisance, or cause fraud or  
17 victimization of the public.  
18

- 19 D. *The property has unique or peculiar circumstances, which apply to this property, but*  
20 *which do not apply to other properties in the same zoning district;*  
21

22 The applicant contends that the two front yard setbacks create a peculiar circumstance not  
23 shared by a majority of properties in the area.  
24

25 In general, being a corner lot is not a unique or peculiar circumstance; however, due to  
26 the 100' right-of-way and the amount of hammock on the Tier III property, it is more  
27 challenging to find a suitable as-of-right building site. Therefore, staff has found that the  
28 property has unique or peculiar circumstances, which apply to this property, but which do  
29 not apply to all other properties in the same zoning district.  
30

- 31 E. *Granting the variance will not give the applicant any special privilege denied other*  
32 *properties in the immediate neighborhood in terms of the provisions of this chapter or*  
33 *established development patterns;*  
34

35 Staff has found that granting the variance will not give the applicant any special privilege  
36 denied other properties in the immediate neighborhood in terms of the provisions of the  
37 land development regulations or established development patterns.  
38

- 39 F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*  
40 *members of his family;*  
41

42 Staff has found that granting the variance is not based on disabilities, handicaps or health  
43 of the applicant or members of his family.  
44  
45

1 G. *Granting the variance is not based on the domestic difficulties of the applicant or his*  
2 *family; and*

3  
4 Staff has found that granting the variance is not based on the domestic difficulties of the  
5 applicant or his family.  
6

7 H. *The variance is the minimum necessary to provide relief to the applicant.*  
8

9 Staff has found that the variance is the minimum necessary to provide relief to the  
10 applicant.  
11

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12 V RECOMMENDATION:  
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14 Staff recommends APPROVAL to the Planning Commission for a variance of nine (9)  
15 feet, six (6) inches from the required twenty-five (25)-foot front yard setback along the US  
16 1 right-of-way and twenty-one (21) feet, six (6) inches from the required twenty-five (25)-  
17 foot front yard setback along Hibiscus Drive, with the following conditions:  
18

19 A. This variance is based on the design of an approximate 32-foot by 46-foot building, as  
20 shown on the site plan prepared by Pablo R. Garcia, P.E. and dated April 24, 2007. Work  
21 not specified or alterations to the site plan may not be carried out without additional  
22 Planning & Environmental Resources Department approval.  
23

24 B. This variance is to allow the approximate 32-foot by 46-foot, six (6) parking spaces, and  
25 loading zone, as shown on the site plan prepared by Pablo R. Garcia, P.E. and dated April  
26 24, 2007, within the required front yard setbacks along US 1 and Hibiscus Drive. It does  
27 not waive any other required setbacks and it does not waive the required front yard  
28 setbacks for any future structures or additions.  
29

30 VI PLANS REVIEWED:  
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32 A. Site Plan by Pablo R. Garcia, P.E. dated April 24, 2007

33 B. Boundary Survey by Tri-County Engineering, Inc., dated May 2, 2007